

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
David W. Peters

Serial No.: 10/820,219

Filed: April 6, 2004

For: PLANTS AND SEEDS OF CORN  
VARIETY I060062

Group Art Unit: 1638

Examiner: Kubelik, Anne R.

Atty. Dkt. No.: DEKA:345US

Confirmation No. 7113

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being  
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October 4, 2007  
Date

  
Robert E. Hanson

**AMENDMENT UNDER 37 C.F.R. §1.312**

**MS Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is submitted pursuant to the Notice of Allowability mailed July 17, 2007. The instant Amendment is being filed concurrently with the payment of the Issue Fee in the case. The Amendment is made to insert information concerning a biological deposit of seed. A declaration demonstrating that the referenced seed deposit meets the requirements of 37 C.F.R. § 1.801- §1.809 is being filed concurrently herewith.

No fees are believed to be due in connection with the instant paper. However, should such fees be due, consider this paragraph a request and authorization to withdraw the appropriate

fee under 37 C.F.R. §§ 1.16 to 1.21 from Sonnenschein Nath & Rosenthal LLP Deposit Account  
No. 19-3140/DEKA:345US.

## AMENDMENT

### **In the Specification:**

Please amend the specification on page 22, line 2, as follows:

A representative deposit of 2500 seeds of the inbred corn variety designated I060062 has been made with the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA on [[(\_\_\_\_\_, \_\_\_\_)]]November 7, 2006. Those deposited seeds have been assigned ATCC Accession No. [[- - - -]]PTA-7972. The deposit was made in accordance with the terms and provisions of the Budapest Treaty relating to deposit of microorganisms and was made for a term of at least thirty (30) years and at least five (05) years after the most recent request for the furnishing of a sample of the deposit is received by the depository, or for the effective term of the patent, whichever is longer, and will be replaced if it becomes non-viable during that period.

## CLAIM AMENDMENT

Please amend the claims as follows:

1. (Currently amended) A seed of corn variety I060062, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972.
2. (Currently amended) A corn plant of corn variety I060062, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972.
3. (Original) A plant part of the corn plant of claim 2.
4. (Original) The plant part of claim 3, further defined as pollen, an ovule or a cell.
5. (Original) A corn plant expressing all of the physiological and morphological characteristics of the corn plant of claim 2.
6. (Canceled)
7. (Original) A method of producing a male sterile corn plant comprising introducing a nucleic acid molecule that confers male sterility into the plant of claim 2.
8. (Original) A male sterile corn plant produced by the method of claim 7.
9. (Currently amended) A tissue culture of cells of a plant of corn variety I060062, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972.
10. (Original) The tissue culture of claim 9, wherein the cells are derived from embryos, immature embryos, meristematic cells, immature tassels, microspores, pollen, leaves, anthers, roots, root tips, silk, flowers, kernels, ears, cobs, husks, or stalks.

11. (Currently amended) A corn plant regenerated from the tissue culture of claim 9, wherein the corn plant is capable of expressing all of the physiological and morphological characteristics of corn variety I060062, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972.

12. (Currently amended) A process of producing corn seed, comprising crossing a first parent corn plant with a second parent corn plant, wherein one or both of the first parent corn plant or the second parent corn plant is a plant of corn variety I060062, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972, wherein seed is allowed to form.

13. (Currently amended) The process of claim 12, further defined as a process of producing hybrid corn seed, comprising crossing a plant of corn variety I060062 with a second, distinct corn plant, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972.

14. (Previously presented) The process of claim 13, wherein crossing comprises the steps of:

- (a) planting the seeds of first and second inbred corn plants, one of which plants is said plant of corn variety I060062 and the other of which is said second, distinct corn plant;
- (b) cultivating the seeds of said first and second inbred corn plants into plants that bear flowers;
- (c) preventing self pollination of at least one of the first or the second inbred corn plant;
- (d) allowing cross-pollination to occur between the first and second inbred corn plants; and
- (e) harvesting seeds on at least one of the first or second inbred corn plants in which self pollination has been prevented, said seeds resulting from said cross-pollination.

15. (Previously presented) A corn plant produced by the method of claim 17.

16. (Previously presented) The corn plant of claim 15, wherein the transgene confers a trait selected from the group consisting of herbicide tolerance, insect resistance, disease resistance, yield enhancement, waxy starch, modified nutritional quality, decreased phytate content, modified fatty acid metabolism, modified carbohydrate metabolism, male sterility and restoration of male fertility.

17. (Currently amended) A method of producing a transgenic corn plant, comprising introducing a transgene into a plant of corn variety I060062, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972.

18. (Currently amended) A method of producing an inbred corn plant derived from the corn variety I060062, the method comprising the steps of:

- (a) preparing a progeny plant derived from corn variety I060062 by crossing a plant of the corn variety I060062 with a second corn plant, wherein a sample of the seed of the corn variety I060062 was deposited under ATCC Accession No. [[- - - -]]PTA-7972;
- (b) crossing the progeny plant with itself or a second plant to produce a seed of a progeny plant of a subsequent generation;
- (c) growing a progeny plant of a subsequent generation from said seed and crossing the progeny plant of a subsequent generation with itself or a second plant; and
- (d) repeating steps (b) and (c) for an additional 2-10 generations to produce an inbred corn plant derived from the corn variety I060062.

19. (Currently amended) A method of producing a conversion of the corn variety I060062 to express at least one new trait, the method comprising the steps of:

- (a) crossing a first corn plant comprising a locus that confers at least one new trait, with a second plant of the corn variety I060062, a sample of the seed of the corn variety I060062 having been deposited under ATCC Accession No. [[- - - -]]PTA-7972, to produce seed comprising the conversion that confers the new trait;

- (b) harvesting and planting the seed thereby produced to produce at least one progeny plant of the first filial generation;
- (c) crossing said progeny plant with a plant of the corn variety I060062 to produce seed of a subsequent filial generation, comprising the locus that confers the new trait;
- (d) growing at least one progeny plant of the subsequent filial generation from the seed produced in step (c);
- (e) repeating steps (c) and (d) for at least one additional generation to produce a converted plant of the corn variety I060062, wherein both alleles at substantially all of the genetic loci in the converted plant consist essentially of the allele found at the same locus in corn variety I060062, the plant further comprising the locus that confers the new trait; and
- (f) harvesting the seed of the converted plant.

20. (Previously presented) The method of claim 19, wherein the locus that confers the new trait was produced by genetic transformation.

21. (Previously presented) The method of claim 19, wherein the new trait is selected from the group consisting of herbicide tolerance; insect resistance; disease resistance; yield enhancement; waxy starch; modified nutritional quality; decreased phytate content, modified fatty acid metabolism, modified carbohydrate metabolism; male sterility and restoration of male fertility.

22. (Original) A converted plant of the corn variety I060062 produced by the method of claim 19.

23. (Currently amended) A hybrid corn seed one of whose parents is a plant of the corn variety I060062, a sample of the seed of said corn variety I060062 having been deposited under ATCC Accession No. [[- - - -]]PTA-7972, and wherein the other parent is a plant of a different variety.

24. (Original) A corn plant grown from the seed of claim 23.



## REMARKS

The specification and claims have been amended to insert information concerning a seed deposit. No new matter is added by the amendment.

## CONCLUSION

In view of the foregoing, it is believed that the case is in condition for issuance and such action is respectfully requested. The Office is invited to contact the undersigned at (214) 259-0931 with any questions relating to the referenced patent application.

Respectfully submitted,



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